

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

RICHARD DASCHBACH, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

ROCKET MORTGAGE, LLC, a Michigan
limited liability company,

Case No. 1:22-cv-00346-JL

Defendant.

**DECLARATION OF TAYLOR T. SMITH IN SUPPORT OF REPLY IN SUPPORT OF
MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT**

I, Taylor T. Smith, declare as follows:

1. I am an attorney with the law firm Woodrow & Peluso, LLC and counsel of record for Plaintiff Richard Daschbach (“Plaintiff” or “Daschbach”).

2. On August 3, 2023, the undersigned emailed counsel for Defendant Rocket Mortgage, LLC (“Defendant” or “Rocket Mortgage”) to request their availability to confer regarding our forthcoming motion to amend the complaint.

3. On August 8, 2023, the parties conferred regarding Plaintiff’s motion for leave to file an amended complaint. The undersigned explained that he intended to seek the amended to include the complete picture of the calls and text messages at issue in this case, which was revealed to Plaintiff in discovery. The undersigned explained that the proposed second amended complaint would include the calls and text messages that were reflected in Defendant’s records and would also include the additional stop request whereby Plaintiff informed Defendant that he was not interested in its products or services. Counsel further explained that Plaintiff was recently able to confirm the receipt of the additional calls and texts reflected in the records by examining his carrier

records. The parties also discussed whether the good cause standard or the freely given standard applied to the motion. Rocket Mortgage did not take a position on the call, and Plaintiff's counsel requested that they provide their position by Wednesday, August 9, 2023, given that he intended to file the motion on Thursday, August 10, 2023.

4. After the call, Plaintiff, upon request, provided a redlined draft of the proposed SAC to defense counsel so that they could review the proposal with their client. The proposed amended pleading attached to Plaintiff's motion for leave is substantially the same as the redlined copy provided to Defendant.

5. On August 10, 2023, having received no response, the undersigned counsel emailed counsel for Defendant to again request Defendant's position, and followed up with a phone call to ascertain its position. On August 10, 2023, at 4:54 pm ET, counsel for Defendant informed Plaintiff that it would take no position on the motion.

6. Plaintiff and Defendant are in the process of conferring regarding Defendant's deficient discovery responses. Among the issues raised in the dispute is Defendant's repeated claim that it is entitled to produce documents on a rolling basis, which the undersigned has repeatedly explained is improper. Nevertheless, Defendant has repeatedly refused to provide production deadlines for any documents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 18, 2023, in Denver, Colorado.

Date: August 18, 2023

By: /s/ Taylor T. Smith

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